

CITY OF TALLAHASSEE	
<u>CITY COMMISSION AGENDA ITEM</u>	
<b>ACTION REQUESTED ON:</b>	November 12, 2003
<b>SUBJECT/TITLE:</b>	Introduction of Ordinance #03-O-66—Briarwood Manor Phase 1 and 2 Voluntary Annexation
<b>TARGET ISSUE:</b>	N/A

**RECEIVED**

NOV 10 2003

Growth and Environmental Management  
Development Review

**STATEMENT OF ISSUE**

The owner of approximately 12 acres has petitioned the City for annexation of property located on Shelfer Road, north of Ross Road, and contiguous to a recent Southern Triangle annexation. The property is zoned MR-1 and is located in the Mixed Use B Future Land Use category. Briarwood Manor consists of 21 apartment buildings with 156 units.

The City Attorney has determined that this annexation fully qualifies under the statutory requirements of Chapter 171, Florida Statutes.



A copy of the proposed annexation was provided to Leon County Board of Commissioners at the time that it was distributed to the City Commission.

**RECOMMENDED ACTION**

Option 1 – Introduce Voluntary Annexation Ordinance # 03-O-66 Briarwood Manor Phase 1 and 2 and set public hearing date of December 10, 2003.

**Fiscal Impact**

In fiscal year 2003, these parcels had a taxable value of \$3,140,937. Based on the current 3.7 tax millage rate, property taxes in the amount of \$11,621 will be generated.

	
Dinah Hart	Anita R. Favors
Office of the Mayor	City Manager

For Information, please contact: Dinah Hart, ext. 8209

ITEM TITLE: *Introduction of Ordinance #03-O-66 Briarwood Manor Phase 1 and 2 Voluntary Annexation*

## **SUPPLEMENTAL MATERIAL/ISSUE ANALYSIS**

### **History/Facts & Issues**

The proposed annexation area consists of approximately 12 acres of property within the urban services area. The property consists of 21 apartment buildings with 156 residential units. Approval of the annexation would support the Annexation Goals as identified in the Comprehensive Plan.

### **STATEMENT OF URBAN SERVICES**

#### **I. Introduction**

The purpose of this statement is to provide information on the land use compatibility and level of urban services that will be provided to the Paul Russell Road annexation.

#### **II. Land Use**

The area proposed for annexation consists of approximately 12 acres and is located within the Urban Services Area (USA). According to the Planning Department, the property is located in the Mixed Use B land use category on the Future Land Use Map. This property is zoned MR-1 on the Official Zoning Map.

Staff has reviewed the proposed annexation of Briarwood Manor Apartments, Phase I and II that front on the east side of Shelfer Road (Parcels 41-24-20-009-0000 & 41-24-20-007-0000) and finds the proposal consistent with the Comprehensive Plan, subject to the following provisions of Intergovernmental Element Policy 2.1.4 being adequately met:

- The annexation is in accordance with the requirements of Chapter 172, Florida Statutes as set forth in Policy 2.1.4[I].
- The plan for annexation shall be provided by the City Manager to the County Administrator and the Board of County Commissioners at the time it is provided to the City Commission. All procedures for review and comment on the annexation as set forth in Policy 2.1.4[I] shall be followed.
- The City shall provide information as to how it will provide full urban services to the area to be annexed pursuant to Policy 2.1.1 {I}.
- A description of how land use compatibility will be ensured, pursuant to Policy 2.1.4(a)[I].
- A description of how facilities will be provided and by which entity, pursuant to Policy 2.1.4(b)[I].
- A description of how the level of service standards will be maintained consistent with the Comprehensive Plan, pursuant to Policy 2.1.4 (c)[I].
- The amount of any agreed upon water and/or sewer rebate that will be due to the petitioner, pursuant to Policy 2.1.4(d)[I].

*The following is provided as additional information related to this site:*

- This property is in the Mixed Use B land use category on the Future Land Use Map.

The Site Specific Zoning on this property is MR-1. The MR-1 district permits multifamily units at a density of between 6 and 16 units per acre. The complexes that are on the site are consistent with these density limitations. Other uses allowed in the MR-1 district include: single family dwellings; townhouses; day care centers; nursing homes; community facilities; and passive and active recreational facilities.

### **III. Urban Services**

The level of urban services that may be provided to the area proposed for annexation will be consistent with the level provided to areas within the City.

- A. Fire Protection Service – The City provides fire protection on an area wide basis. In the corporate limits, the fire department responds to alarms within an average of four (4) minutes. Fire Station #3 at 3005 South Monroe Street can provide fire and emergency service to this area.
- B. Police Protection Service – Tallahassee maintains a comprehensive law enforcement program. The full range of these services will be provided to the area upon annexation.
- C. Street Maintenance and Right of Way Service – The City will assume responsibility for maintaining city-owned streets upon annexation. The City has a comprehensive public street construction program.
- D. Traffic Planning and Control – The maintenance of street signs, pavement markings, and traffic signals on city-owned streets will be assumed by the City upon annexation. No streets are included in the area being annexed at this time.
- E. Growth Management – Since these properties are fully developed, staff has no issues regarding this proposed annexation.
- F. Street Lighting – Tallahassee has a comprehensive program for the installation and maintenance of streetlights. It will cost approximately \$3100 to install additional street lighting in this area, consistent with the City's street lighting policy. Within one year after annexation, the City will install streetlights on major thoroughfares and on city-owned neighborhood streets by request.
- G. Parks and Recreation Services – Parks and Recreation provides the 54 acre Jack McLean Park just down the street on Paul Russell Road. The park currently has picnic facilities, trails, lighted basketball and tennis courts, sand volleyball courts, playground and an open play field. Construction on a 20,000 square foot recreation center and adjacent swimming pool complex (2 pools) has

commenced and be completed in fall of 2004. Other facilities include Campbell Pond Park; Jake Gaither Golf Course; Jake Gaither Recreation Center; Walker Ford Community Center; Springsax Baseball and Softball fields. These facilities should provide adequate services for this annexation with no adverse impact to Parks and Recreation.

- H. Bus Service – The City owns and operates a public transit system. Annually, a system-wide analysis is performed to evaluate bus service within all areas of the corporate limits. Bus service is provided on Woodville Highway, Ross Road and Shelfer Road, including Saturday, Sunday and nights. Dial-a-Ride is also available. Additionally, the Dial-a-Ride program, a specialized transportation service for citizens who are disabled will be extended to this area upon annexation. The Dial-a-Ride program is also available to citizens over the age of 60 on a space available basis.
- I. Electric Service – The City currently provides electric service to this area. Extension of electric service to new customers in the area will be in accordance with established policy and other utility agreements.
- J. Water and Sewer Service – Sewer and water are available and all buildings are connected. No sewer or water improvements are necessary to serve the proposed annexation area.
- K. Gas Service – The City generally provides natural gas to a site when requested and after a feasibility analysis.
- L. Stormwater Service – Stormwater services to the area will be provided at the same level as currently provided to areas within the City.
- M. Solid Waste Service – Commercial garbage service at this location will continue to be provided by Waste Management until their current contract with the County terminates April 21, 2007. At that time, COT SWS will commence garbage dumpster service at Briarwood Manor Apts. Phases I & II.

### **Options**

Option 1 – Introduce Voluntary Annexation Ordinance # 03-O-66 Briarwood Manor Phase 1 and 2 and set public hearing date of December 10, 2003.

Option 2 – Set another date for public hearing.

Option 3 – Do not proceed with the proposed voluntary annexation.

### **Recommendation**

Option 1 – Introduce Voluntary Annexation Ordinance # 03-O-66 Briarwood Manor Phase 1 and 2 and set public hearing date of December 10, 2003.

ATTACHMENTS/REFERENCES

- Attachment 1 – Proposed Ordinance #03-O-66
- Attachment 2 – Location Map
- Attachment 3 – Voluntary annexation petitions
- Attachment 4 – City Attorney's opinion

ORDINANCE NO. 03-O-66

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA, AMENDING CHAPTER SIX OF THE CHARTER OF THE CITY OF TALLAHASSEE, TO ANNEX WITHIN THE CORPORATE AREA OF THE CITY OF TALLAHASSEE, FLORIDA, UPON ADOPTION OF SAID ORDINANCE, PROPERTY BEING SITUATED IN LEON COUNTY, FLORIDA, IN ACCORDANCE WITH THE VOLUNTARY ANNEXATION PROVISIONS OF SECTION 171.044, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, there has been filed with the City of Tallahassee, Florida, a petition containing the names and signatures of all of the property owners in the area described hereinafter requesting annexation into the corporate area of the City of Tallahassee, Florida; and,

WHEREAS, it has been determined that the property described hereinafter is reasonably compact and contiguous to the corporate area of the City of Tallahassee, Florida, and it has further been determined that the annexation of said property will not result in the creation of any pocket or enclave; and,

FURTHER WHEREAS, the City of Tallahassee, Florida, is in a position to provide municipal services to the property described herein, and that the City Commission of the City of Tallahassee, Florida, deems it in the best interest of the City to accept said petition and to annex said property.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF TALLAHASSEE, FLORIDA:

Section 1. That the property described below, situated in Leon County, Florida, be and the same is hereby annexed to and made a part of the City of Tallahassee, Florida, pursuant to the voluntary annexation provisions of Section 171.044, Florida Statutes, to wit:

**BRIARWOOD APT. PHASE I&II/SHELPER ROAD**

**COMMENCE** at the intersection of the south boundary of Section 18, Township 1 South, Range 1 East with the westerly right-of-way boundary of the Seaboard Coastline Railroad (now the State of Florida Bicycle Path right-of-way); thence South 20 degrees 50 minutes 28 seconds East, along said westerly right-of-way boundary, a distance of 416.12 feet to the most easterly corner of that parcel described in Official Record Book 536, Page 408 (Tax I.D. 31-19-20-205) of the Public Records of Leon County, Florida; thence South 88 degrees 55 minutes 00 seconds West, along the southerly boundary of said parcel last referenced, a distance of 184.21 feet; thence North 00 degrees 02 minutes 00 seconds East, a distance of 20.50 feet to the southeast corner of that parcel described in Deed Book 72, Page 46 (Tax I.D. 41-24-20-004) of said Public Records; thence South 88 degrees 55 minutes 00 seconds West, along the south boundary of said parcel last referenced, a distance of 440 feet more or less, to an intersection with the east boundary of that parcel described in Official Record Book 246, Page 590 (Tax I.D. 41-24-20-902) of said Public Records; thence, along the east and south boundaries of said parcel as follows: South 00 degrees 02 minutes 00 seconds West, a distance of 1,006.28 feet to the southeast corner of said parcel last referenced; thence West, a distance of 220.00 feet to the northwest corner of that parcel described in Official Record Book 1151, Page 1516 (Tax I.D. 41-24-20-018) of said Public Records, also being the northeast corner of that parcel described in Official Record Book 2272, Page 1621 (Tax I.D. 41-24-20-006) of said Public Records, thence, along the west boundary of said parcel that parcel described in said Official Record Book 1151, Page 1516 (Tax I.D. 41-24-20-018), South 00 degrees 02 minutes 44 seconds West, a distance of 660 feet; thence West, a distance of 234 feet; thence South, a distance of 660 feet to an intersection with the northerly boundary of that parcel described as Parcel 2 in Official Record Book 2272, Page 1619 (Tax I.D. 41-24-20-026); thence, along the northerly boundary of said parcel last referenced, East, a distance of 61 feet, more or less, to the northwest corner of that parcel described in Official Record Book 1328, Page 2368 (Tax I.D. 41-24-20-052) of said Public Records; thence South, along the westerly boundary of said parcel last referenced, a distance of 569.18 feet to the southwest corner of said parcel last referenced, lying on the northerly right-of-way boundary of Ross Road; thence West, along said northerly right-of-way boundary, a distance of 235.59 feet to the southeast corner of that parcel described in Official Record Book 1120, Page 230 (Tax I.D. 41-24-20-001) of said Public Records; thence, along the easterly boundary of said parcel last referenced, North 00 degrees 14 minutes 24 seconds East 569.88 feet to the northeast corner of said parcel last referenced; thence, along the northerly boundary of said parcel last referenced, North 89 degrees 45 minutes 36 seconds West, a distance of 251.62 feet to the northwest corner of said parcel last described and the southwest corner of that parcel described in Official Record Book 2272, Page 1619 (Tax I.D. 41-24-20-006), said corners being on the east boundary of that parcel described on Official Record Book 939, Page 1415 (Tax I.D. 41-24-20-007) of said Public Records for the **POINT OF BEGINNING**. From said **POINT OF BEGINNING** thence South 00 degrees 14 minutes 24 seconds West, along the east boundary of said parcel last referenced, a

distance of 371.33 feet to the southeast corner of said parcel last referenced; thence North 89 degrees 57 minutes 30 seconds West, a distance of 296.34 feet to the southwest corner thereof; lying on the east right-of-way boundary of Shelfer Road; thence North 00 degrees 27 minutes East, along said easterly right-of-way boundary, a distance of 713.76 feet to the northwest corner thereof, also being the southwest corner of that parcel described in official Record Book 649, Page 825 (Tax I.D 41-24-20-009) of said Public Records; thence, continueing along the easterly right- of way boundary of said Shelfer Road, North 00 degrees 27 minutes 00 seconds East, a distance of 985.0 feet to the northwest corner of said parcel last described and lying on the southerly boundary of that parcel known as Baker Road, described in Official Record Book in Official Record Book 246, Page 304 of said Public Records; thence West, along a westerly extension of the southerly boundary of said parcel last referenced as Baker Road, a distance of 80 feet to the westerly right-of-way boundary of Shelfer Road; thence North, along said westerly right-of-way boundary, a distance of 60 feet to an intersection with the westerly extension of the northerly right-of-way boundary of said Baker Road; thence East, along said extension and along said northerly right-of-way boundary, a distance of 370 feet, more or less, to the northeast corner of said Baker Road described in said Official Record Book 246, Page 304; thence South, along the easterly boundary of said Baker Road, a distance of 60 feet to the northeast corner of that parcel described in Official Record Book 649, Page 825 (Tax I.D 41-24-20-009); thence South 00 degrees 14 minutes 24 seconds West, along the east boundary of said parcel last referenced, a distance of 985.0 feet to the southeast corner of that parcel described in said Official Record Book (Tax I.D 41-24-20-009), also being the northeast corner of that parcel described in Official Record Book 939, Page 1415 (Tax I.D 41-24-20-007); thence South 00 degrees 14 minutes 24 seconds West, a distance of 342.42 feet to the POINT OF BEGINNING; Containing 11.94 acres, more or less

Section 2. That upon this ordinance becoming effective, the property owners and any resident on the property described herein shall be entitled to all the rights and privileges and immunities as are from time to time granted to residents and property owners of the City of Tallahassee, Florida, as further provided in Chapter 171, Florida Statutes, and shall further be subject to the responsibilities of residence or ownership as may from time to time be determined by the governing authority of the City of Tallahassee, Florida, and the provisions of said Chapter 171, Florida Statutes.



Section 3. If any section or portion of a section of this ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to impair the validity, force, or effect of any other section or part of this ordinance.

Section 4. That all ordinances or parts of ordinances in conflict herewith be and the same are hereby revoked.

Section 5. That this ordinance shall become effective immediately upon its passage and adoption.

INTRODUCED in the City Commission on the \_\_\_\_ day of \_\_\_\_\_, 2003

PASSED the City Commission on the \_\_\_\_ day of \_\_\_\_\_, 2003

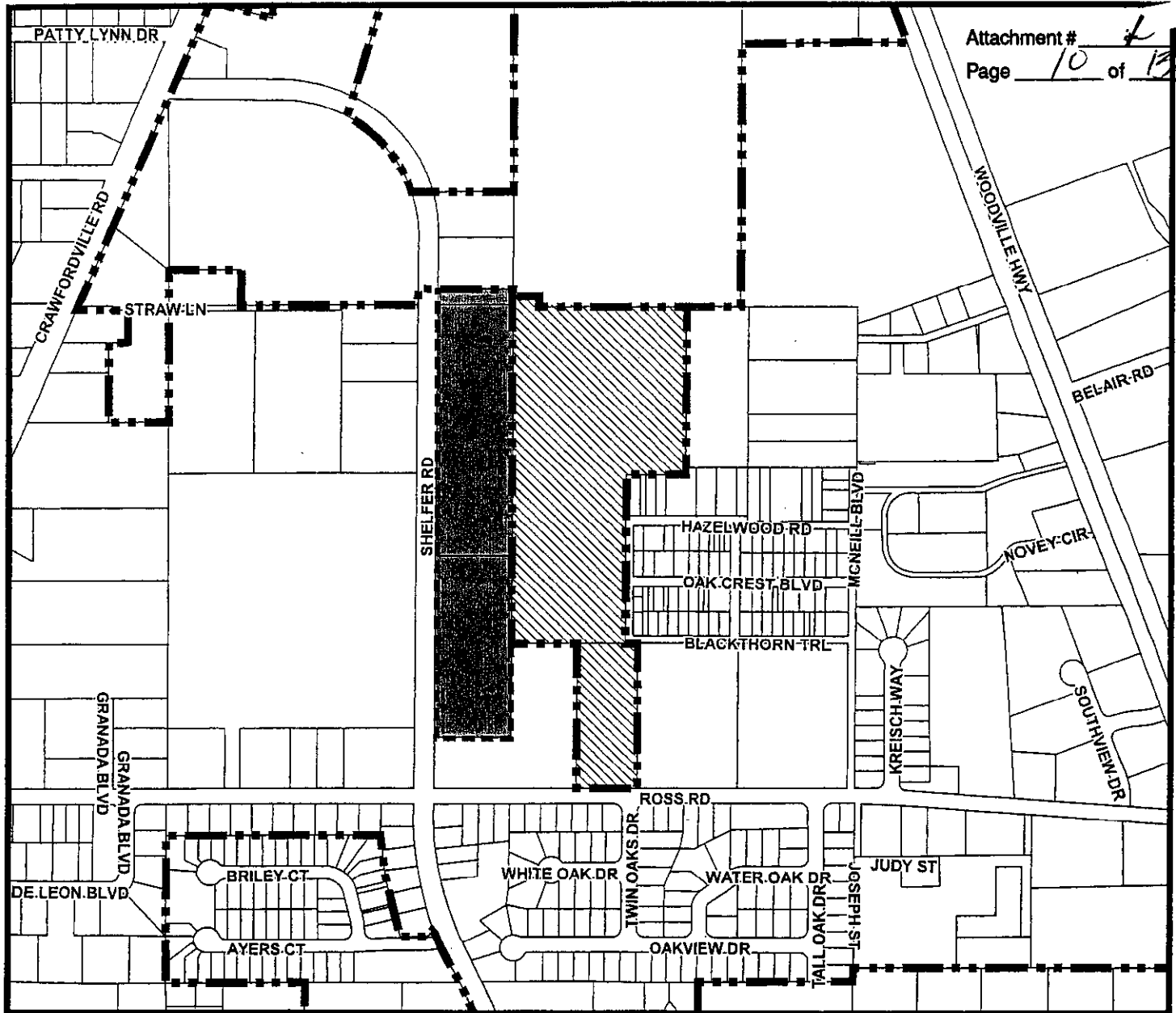
\_\_\_\_\_  
JOHN R. MARKS III, Mayor

ATTEST:

\_\_\_\_\_  
GARY HERNDON  
City Treasurer-Clerk

APPROVED AS TO FORM:




\_\_\_\_\_  
JAMES R. ENGLISH  
City Attorney



DWG NO. OMB0124C.CDR

# **BRIARWOOD APT. PHASE I&II** **SHELFER ROAD** **PROPOSED ANNEXATION**

## **LEGEND**

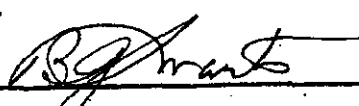

-  CURRENT CITY LIMITS
-  PENDING ANNEXATION
-  PROPOSED CITY LIMITS

PETITION FOR VOLUNTARY ANNEXATION

TO: Tallahassee City Commission

The undersigned owner(s) of the property noted and described on the attached map, does hereby request the annexation of said property by the City of Tallahassee in accordance with Chapter 171, Florida Statutes, which authorizes the petitioning for voluntary annexation. This petition and request shall be binding upon all successor owners of the subject property, including the heirs, assigns, and devisees of the undersigned and shall run with the land to any purchasers of the subject property.

OWNER (S) OF PROPERTY	PROPERTY ADDRESS:	PARCEL ID NO.	ACREAGE
BRIARWOOD LTD,	4495 SHELFER RD	41242000-90000	
	CONTACT ADDRESS:		
	1002 23 <sup>RD</sup> ST, #400		
	PANAMA CITY, FL 32402		

<u></u>	<u></u>	<u>13 Nov 00</u>
WITNESS	SIGNATURE	DATE
<u> </u>	<u> </u>	<u> </u>
WITNESS	SIGNATURE	DATE
<u> </u>	<u> </u>	<u> </u>
WITNESS	PHONE	<u> </u>
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BUDGET AND POLICY

PETITION FOR VOLUNTARY ANNEXATION

TO: Tallahassee City Commission

The undersigned owner(s) of the property noted and described on the attached map, does hereby request the annexation of said property by the City of Tallahassee in accordance with Chapter 171, Florida Statutes, which authorizes the petitioning for voluntary annexation. This petition and request shall be binding upon all successor owners of the subject property, including the heirs, assigns, and devisees of the undersigned and shall run with the land to any purchasers of the subject property.

OWNER (S) OF PROPERTY	PROPERTY ADDRESS:	PARCEL ID NO.	ACREAGE
BRIARWOOD APTS. PHASE II	4495 SHELFER RD CONTACT ADDRESS: 1002 23 <sup>RD</sup> ST. #400 PANAMA CITY, FL 32402	41242000- 70000	

[Signature]  
WITNESS

[Signature]  
SIGNATURE

13 Nov 09  
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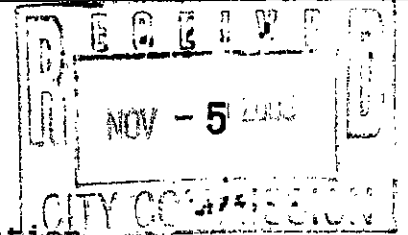
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OFFICE OF THE CITY ATTORNEY

MEMORANDUM



TO: David C. Reid, Director  
Department of Management and Administration

FROM: James R. English, City Attorney

DATE: November 5, 2003

SUBJECT: Voluntary Annexation  
Briarwood Apt. Phase I & II/Shelfer Road

Pursuant to your request, I have reviewed the attached map of the above-referenced area in order to determine if this area meets the geographic requirements for annexation of Florida Statutes, Chapter 171.

After having fully reviewed the appropriate map, I am of the opinion that the area fully qualifies under the statutory requirements of Florida Statutes, Chapter 171.

If I can provide any additional information, please do not hesitate to call.

JRE/pb